# MYSORE LEGISLATIVE ASSEMBLY

FORTY-FOURTH DAY.

*Saturday, the 21st September, 1957.*

The House met in the Assembly Hall, Vidhana Soudha, Bangalore, at Thirty Minutes Past Eight of the Clock.

MR. SPEAKER (Sri S. R. Kanthi, B.A., LL.B.) in the Chair.

## QUESTIONS AND ANSWERS.

### Report of the Welfare Officer with regard to the conditions of Labour.

*Q.*—168. Sri B. N. BORANNA GOWDA (Belur).—

Will the Government be pleased to state :—

(*a*) whether there is a Welfare Officer in Hassan district to look after the welfare of the Estate Labourers ;

(*b*) since how long he is working in the plantation area ;

(*c*) whether he has submitted any report to them regarding the welfare conditions of the labourers?

*A.*— Sri. B. VAIKUNTA BALIGA (Minister for Labour and Legal Affairs).—

(*a*) No.

(*b*) and (*c*) these do not arise in view of the above reply.

Sri B. N. BORANNA GOWDA.—When would a Labour Officer be appointed to look after the plantation labour?

Sri B. VAIKUNTA BALIGA.—Because there is no designation by that particular nomenclature, it should not be understood that the welfare of labour is being neglected. It is being attended to and now there is a proposal to increase the post by about 6 in number and there will be re-distribution and the requirements contained in this question will be borne in mind.

Sri B. N. BORANNA GOWDA.—Is it not desirable that a Welfare Officer should be appointed to look after the welfare of the labourers in plantation areas?

Sri B. VAIKUNTA BALIGA.—The Government heartily accepts that proposal.

Sri G. DUGGAPPA.—What is the nomenclature of the officer who looks after the plantation labour at present?

Sri B. VAIKUNTA BALIGA.—Assistant Commissioner of Labour, Chickmagalur.

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### Appointment of Members to Public Service Commission.

*Q.*—687. Sri A. R. KARISIDDAPPA (Arsikere).—

Will the Government be pleased to state :—

(*a*) the number of members (including the Chairman) of the Public Service Commission appointed this year;

(*b*) the method of appointment of members and the Chairman to the said Commission?

*A.*—Sri C. M. POONACHA (Minister for Home Affairs and Industries) on behalf of [SRI S. NIJALINGAPPA (Chief Minister)].—

(*a*) Three.

(*b*) The appointments are made in the manner prescribed in Article 316 of the Constitution of India.

Dr. A. R. KARISIDDAPPA.—Is the strength of the Public Service Commission fixed by the State Government or the Central Government?

*Sri C. M. POONACHA.—The strength is determined from time to time by the State Government after seeking the approval of the Central Government.

Dr. A. R. KARISIDDAPPA.—Is it under the contemplation of Government to increase the number?

Sri C. M. POONACHA.—No, not for the present.

Dr. A. R. KARISIDDAPPA.—Is it a fact that the names of Members of the Commission are recommended by the Government to the Governor?

Sri C. M. POONACHA.—The Governor makes the appointment. No doubt it would be on the advice of the Government.

Dr. A. R. KARISIDDAPPA.—In recommending the names, what are the principles considered by Government?

Sri C. M. POONACHA.—The provision in the Constitution requires that one Member atleast should have at least ten years' experience in the Services and another member should have only one requirement and that requirement has been kept in view while making the recommendation.

Dr. A. R. KARISIDDAPPA.—What are the requirements needed of the non-official Member of the Commission?

Sri C. M. POONACHA.—There is no bar to a non-official being made Member of the Commission.

Dr. A. R. KARISIDDAPPA.—May I know the term of office of these Members?

Sri C. M. POONACHA.—Six years or attaining the age of 60, whichever is earlier.

Dr. A. R. KARISIDDAPPA.—May I know the age of the Chairman appointed in 1957?

Sri C. M. POONACHA.—I require notice.

Mr. SPEAKER.—He must be below 60. (*Laughter*).

ಶ್ರೀಮತಿ ಕೆ. ಎಸ್. ನಾಗರತ್ನಮ್ಮ.—ಖಾಸಗಿ ಜನರನ್ನು ಸದಸ್ಯರಾಗಿ ತೆಗೆದುಕೊಳ್ಳುವಾಗ ಬರಿಯ ಗಂಡಸರನ್ನು ಅಥವ ಕೋಮುವಾರು ಪ್ರಾತಿನಿಧ್ಯದ ಮೇಲೆ ಇಂಥಿಂಥ ಕೋಮಿನವರನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂಬ ನಿಯಮವಿದೆಯೆ?

ಶ್ರೀ ಸಿ. ಎಂ. ಪೂಣಚ್ಚ.—ರಾಜ್ಯಘಟನೆಯ ಪ್ರಕಾರ ಗಂಡಸರಿಗೂ ಹೆಂಗಸರಿಗೂ ವ್ಯತ್ಯಾಸ ಮಾಡುವಹಾಗಿಲ್ಲ.

ಶ್ರೀಮತಿ ಕೆ. ಎಸ್. ನಾಗರತ್ನಮ್ಮ.—ಹಾಗಿದ್ದರೆ, ಸದಸ್ಯರನ್ನು ನೇಮಿಸುವಾಗ ಅದಕ್ಕೆ ಯೋಗ್ಯತೆ ಪಡೆದಿರುವ ಹೆಂಗಸರು ಯಾರೂ ಸಿಕ್ಕಲಿಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯವೆ?

ಶ್ರೀ ಸಿ. ಎಂ. ಪೂಣಚ್ಚ.—ಹಾಗೆ ಅಭಿಪ್ರಾಯವನ್ನಿಟ್ಟುಕೊಳ್ಳುವುದಕ್ಕವಕಾಶವಿಲ್ಲ.

ಶ್ರೀ ಕೆ. ಎಸ್. ನಾಗರತ್ನಮ್ಮ.—ಮುಂದೆ ನೇಮಕ ಮಾಡುವಾಗ ಹೆಂಗಸರನ್ನು ನೇಮಕಮಾಡುವ ವಿಚಾರವನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳಲಾಗುತ್ತದೆಯೆ?

ಶ್ರೀ ಸಿ. ಎಂ. ಪೂಣಚ್ಚ.—ಎಲ್ಲ ವಿಷಯಗಳನ್ನೂ ಗಮನಿಸುತ್ತಾರೆ.

Sri B. RACHIAH.—Was the Government aware that there have been representations, both on the floor of the House as well as outside, from the Scheduled Castes, to include a member belonging to that community in the Public Service Commission?

Sri C. M. POONACHA.—It is true that there have been certain references made to adequate representation being given to several sections of the community and the Scheduled Castes as such are also one amongst them.

Sri N. RACHIAH.—May I know what are the qualifications or conditions for a non-official being appointed on the Public Service Commission?

Sri C. M. POONACHA.—As prescribed under the Constitution.

Sri N. RACHIAH.—Are the Government aware that even among the Scheduled Castes and Scheduled Tribes there are eminent persons who have got such qualifications as the non-official that has been appointed at present?

Sri C. M. POONACHA.—I am inclined to agree with the Hon'ble Member in saying that there are qualified people in every section of the community. But the number being three it is just impossible that by any amount of stretching we would be able to give representation to all sections of the community. Somewhere a line has to be drawn.

Sri N. RACHIAH.—Will the Government accept that it is prejudicial to the interests of the Scheduled Castes that Government have not appointed any person belonging to the Scheduled Caste on the Commission though the

*Asterisk indicates that the remarks or speeches have not been revised by the Member concerned.

Scheduled Castes have been given Constitutional guarantee and safeguards being the biggest minority community in the country ?

Sri C. M. POONACHA.—I am not prepared to accept that opinion of the Hon'ble Member.

Sri C. J. MUCKANNAPPA.—May I know what is the special qualification of the person who has been appointed Chairman of the Commission ?

Sri C. M. POONACHA.—He is an ex-Judge of the Hon'ble High Court of Mysore.

Dr. A. R. KARISIDDAPPA.—When did he retire ?

Sri C. M. POONACHA.—I require notice because I do not remember the exact date.

Dr. R. NAGAN GOWDA.—On account of the increase in work due to the reorganization of the State, are there any proposals to increase the number of members on this Commission ?

Mr. SPEAKER.—It has been already answered.

Sri N. RACHIAH.—Sir, I did not get a reply to my former question as regards the provision where Scheduled Castes and Scheduled Tribes have been guaranteed safeguards and protection under the Constitution with regard to administrative matters also.

Mr. SPEAKER.—That is a different question altogether.

Sri N. RACHIAH.—This is in connection with the Public Service Commission appointed under article 316 of the Constitution. That is why I am asking.

Mr. SPEAKER.—What is the exact nature of the question ?

Sri N. RACHIAH.—The answer to clause (*b*) is "The appointments are made in the manner prescribed in Article 316 of the Constitution of India." Under the same Constitution, there are certain safeguards to weaker sects, particularly to Scheduled Castes and Scheduled Tribes. The point is whether Government will take into consideration those provisions while making appointments to such an important Commission as the Public Service Commission in the State.

Sri C. M. POONACHA.—The Constitution provides safeguards and special protection to Scheduled Castes in respect of representation (1) to the Legislatures and Parliament and (2) to Government services, and I do not think the Pubic Service Commission membership comes under the term "Government Service".

Dr. R. NAGAN GOWDA.—At least in the disposal of the work by the Commission, has the Government received complaints that there have been delays ?

Sri C. M. POONACHA.—Not to my knowledge.

Sri G. DUGGAPPA.—May I know whether the Government considered the question of including a Scheduled Caste Member in the Commission while making appointments to the Commission recently ?

Sri C. M. POONACHA.—The present strength of the Commission consists of three members and all the members have been appointed.

ಅಧ್ಯಕ್ಷರು.—ನೀವು ಅಧಿಕಾರಕ್ಕೆ ಸದಸ್ಯರನ್ನು ನೇಮಿಸುವುದಕ್ಕಿಂತ ಮುಂಚೆ ಅನುಸೂಚಿತ ಜಾತಿಗಳವರನ್ನು ಪರಾಮರ್ಶೆಗೆ ತೆಗೆದುಕೊಂಡು ಅನಂತರ ನೇಮಕ ಮಾಡಿದರಾ ಎಂದು ಕೇಳುತ್ತಿದ್ದಾರೆ.

Sri C. M. POONACHA.—While making the appointments it is not just to consider the claims of a particular section of the community, but keeping in view the character, pattern and composition of the Commission, to suit the general requirements of the Commission and also the purpose that is to be served by appointing such a Commission.

Sri G. DUGGAPPA.—Now, the Hon'ble Minister was pleased to say that the appointments were made keeping in view the general interests. In view of the representations made and also the expressed desire of this community on the floor, may I ask the Government definitely whether they considered the question of appointing any Scheduled Caste member to the Commission while they made appointments to it ?

Mr. SPEAKER.—It has already been replied.

Sri G. DUGGAPPA.—The Hon'ble Minister was definite. Therefore I am asking definitely whether the question of including a Scheduled Caste Member was considered ?

Mr. SPEAKER.—He has already replied. The Member says that it is not adequate but the Hon'ble Minister has replied.

ಶ್ರೀ ಟಿ. ಹನುಮಯ್ಯ.—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಉತ್ತರ ಕೊಡುತ್ತಾ ಷೆಡ್ಯೂಲ್ಡ್ ಕ್ಯಾಸ್ಟ್‌ನವರಿಗೆ reserve ಮಾಡಬೇಕಾದ್ದಿಲ್ಲವೆಂದು ಹೇಳಿದರು. ನಮಗೇನೋ ಇಲ್ಲ; ಷೆಡ್ಯೂಲ್ಡ್ ಕ್ಯಾಸ್ಟ್ ಅಲ್ಲದವರಿಗೆ ರಿಸರ್ವ್ ಮಾಡಬೇಕೆಂದಿದೆಯೇ?

ಅಧ್ಯಕ್ಷರು.—ರಾಜ್ಯಾಂಗದಲ್ಲಿ ಅದೂ ಇಲ್ಲ.

ಶ್ರೀ ಟಿ. ಹನುಮಯ್ಯ.—ಹಾಗಾದರೆ ಷೆಡ್ಯೂಲ್ಡ್ ಕ್ಯಾಸ್ಟ್‌ನಿಂದ ಮೇಜರ್ ಕಮ್ಯೂನಿಟಿಯವರನ್ನು ಈ ನೇಮಕಗಳಲ್ಲಿ ಕೈಬಿಡುವುದಕ್ಕೆ ಕಾರಣವೇನು? ದಕ್ಷರಾರೂ ಇರಲಿಲ್ಲವೋ ಇವರಲ್ಲಿ?

Mr. SPEAKER.—The Hon'ble Minister has replied to that question.

Sri Y. MANJAYA SHETTY.—Is it a fact that the work of the Commission has increased due to the re-organization of States?

Sri C. M. POONACHA.—That is a fact. But I am happy to mention that the present Commission is making its best efforts to cope with the increased work.

Sri B. N. RACHIAH.—May I know whether the appointments to the Public Service Commission come under the State services?

Sri C. M. POONACHA.—Not under the regular Government service.

ಡಾ॥ ಕರಿಸಿದ್ದಪ್ಪ.—ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮೀಷನ್ನಿನವರನ್ನು ನೇಮಕ ಮಾಡುವುದರಲ್ಲಿ, ಭಾರತ ರಾಜ್ಯಾಂಗದ ಪ್ರಕಾರ ಇಂಥಿಂಥ ಜಾತಿಗಳವರನ್ನೇ ನೇಮಕ ಮಾಡಬೇಕೆಂದು ವಿಧಾಯಕ ಮಾಡಿದೆಯೇ?

ಅಧ್ಯಕ್ಷರು.—'ಇಲ್ಲ' ಎಂದು ಹೇಳಿದ್ದಾರೆ.

Sri H. M. CHANNABASAPPA.—Have the Government any specific difficulties in enhancing the number of members of the Public Service Commission?

Sri C. M. POONACHA.—That is a matter for future consideration.

Sri H. M. CHANNABASAPPA.—My question is very specific. Have the Government any difficulty?

Mr. SPEAKER.—Your question may be specific.

Sri H. M. CHANNABASAPPA.—And I am getting an evasive answer. Are there any difficulties and if so, what are they?

Sri C. M. POONACHA.—I do not think there would be any difficulty as such. The question of propriety and the need for increasing the membership as and when the situation arises will have to be considered.

Sri H. M. CHANNABASAPPA.—Then shall I take it that the Government consider it improper to increase the number?

Sri C. M. POONACHA.—I never meant so.

Mr. SPEAKER.—He has already replied. There is no need to increase.

ಶ್ರೀ ಕೆ. ರುದ್ರಪ್ಪ.—ಈಗ ತಾವು ಜೇರ್ಮನ್ ಆಗಿ ಮಾಡಿದ್ದೀರಲ್ಲಾ, ಅವರು ಸರ್ವಿಸ್‌ನಿಂದ ತಾವಾಗಿಯೇ ರಿಟೈರ್ ಆದವರೇ ಅಥವಾ ಆ ಸರ್ಕಾರದವರೇ ಅವರನ್ನು ರಿಟೈರ್ ಆಗಿ ಎಂದು ಹೇಳಿದರೆ?

Mr. SPEAKER.—It is outside the scope of the question.

Sri G. ANNA RAO.—May I know whether there are any financial difficulties in appointing additional members or the number is such that it is commensurate with the needs of the work?

Mr. SPEAKER.—There is no need at present, that is the reply.

Sri H. C. LINGA REDDY.—May I know whether it has come to the notice of the Government that on account of want of strength in the Commission, the work turned out by the present Commission is not satisfactory and the work is very tardy?

Mr. SPEAKER.—That is outside the scope of the question. You may link it with increase in strength.

Sri H. C. LINGA REDDY.—Sir, it is because the strength is not enhanced, the work is not satisfactory. I want to know whether the Government has come to know of it.

Sri C. M. POONACHA.—I have already replied to that question that the Commission is doing excellently well in coping with the increased volume of work. It is not in any way as the Hon'ble Member seems to suggest.

Sri B. RACHIAH.—Sir, is there any definite policy that a particular vacancy caused by a particular community candidate should be filled up by a candidate of that particular community?

Mr. SPEAKER.—That is outside the scope of the question.

Sri G. ANNA RAO.—In view of the fact that a Scheduled Caste member is not in the Public Service Commission is it not proper that an additional

member be appointed to safeguard the rights of the backward classes and scheduled castes ?

Sri C. M. POONACHA.—That is a suggestion and not a question, Sir.

ಶ್ರೀ. ಡಿ. ಟಿ. ನೀತಾರಾಮರಾವ್.—ಒಂದು ಕೋಟಿ ಪ್ರಜಾ ಸಂಖ್ಯೆಯಿದ್ದಾಗ ಮೂರು ಜನ ಸದಸ್ಯರಿದ್ದರು. ಈಗ ಎರಡುಕೋಟಿ ಜನ ಸಂಖ್ಯೆಯಿರುವಾಗ ಆರು ಜನ ಸದಸ್ಯರನ್ನು ನೇಮಿಸಬೇಕೆಂಬುದನ್ನು ಸರ್ಕಾರದವರು ಯೋಚನೆ ಮಾಡುತ್ತೀರಾ ?

ಅಧ್ಯಕ್ಷರು.—ಅದಕ್ಕೆ ಉತ್ತರ ಹೇಳಿದ್ದಾರೆ.

ಶ್ರೀ ಡಿ. ಟಿ. ನೀತಾರಾಮರಾವ್.—ಹಿಂದುಳಿದ ಪಂಗಡಗಳಿಗೆ ಜಾಸ್ತಿ ಪ್ರಾತಿನಿಧ್ಯ ಕೊಡಬೇಕೆಂದು ಯೋಚಿಸಿದ್ದೀರಾ ?

ಅಧ್ಯಕ್ಷರು.—ಆ ಪ್ರಶ್ನೆ ಇಲ್ಲಿ ಬರುವುದಿಲ್ಲ.

Sri A. BHEEMAPPA NAIK.—Is it not a fact that the Government has given assurances formerly on this very platform that the claims of the Scheduled Castes would be considered when next appointments were made to the Commission ?

Sri C. M. POONACHA.—Personally speaking, I am not aware of it. I will refer the matter to the Minister who is actually in charge of it.

Sri A. BHEEMAPPA NAIK.—In case such an assurance was given formerly, would the Government consider sympathetically even now the claims of Harijans and put them in so that they may be satisfied, they being 18 per cent of the total population ?

Mr. SPEAKER.—That is a hypothetical question.

Sri A. BHEEMAPPA NAIK.—The Hon'ble Minister has replied that he was not aware of it. I know that on the floor of the House, the Government have given such assurances. Therefore it is inevitable that I could only put that question. If he had said that it was not true, I would never have put a phrase " in case ". That is why I ask. Will the Government consider their case sympathetically if they had given an assurance formerly, that their claims would be considered ?

Mr. SPEAKER.—That question will arise when there is a vacancy, if they have given an assurance.

Sri A. BHEEMAPPA NAIK.—Sir, there is no question of a vacancy arising n the Public Service Commission, but the Government may increase its strength. My question is : would the Government consider their claims sympathetically in case Government has given such an assurance formerly ?

Sri C. M. POONACHA.—That is a wholesome suggestion to be borne in mind if and when the strength of the present Commission is going to be enlarged.

Sri N. RACHIAH.—May I know whether the Government are aware that only two major communities are represented on such a Commission ever since the constitution of the Commission? If so, is there any guarantee for these two communities to dominate all other communities including the Scheduled Castes ?

Sri C. M. POONACHA.—It is an argument and my Hon'ble friend is free to draw any opinion on the composition and pattern of the Commission formed from time to time.

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**High level causeway between Bada and Kandagallu.**

*Q.*—787. Sri G. SIVAPPA (Chitaldrug).—

Will the Government be pleased to state :—

(*a*) whether it is a fact that a high level causeway has been sanctioned between Bada and Kandagallu in Davangere taluk ;

(*b*) whether the same work has been tendered and whether the lowest tender has been accepted from two people and the work order given to them ;

(*c*) whether it is a fact that after the work order was given to the contractors to commence the work, a stay order has been issued by the Chief Engineer ?

*A.*—Sri H. K. VEERANNA GOWDH (Minister for Public Works).—

(*a*) Yes.

(*b*) Yes.

(*c*) Government have issued instructions that construction work may not be proceeded with until a decision is taken about the location.

Sri G. SIVAPPA.—In answer to my question (*c*) " whether it is a fact that after the work order was given to the